

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2679

PETITION OF SALLY BRUCKER

OPINION OF THE BOARD

(Opinion Adopted December 13, 2006)
(Effective Date of Opinion: January 9, 2007)

Case No. S-2679 is an application for a special exception pursuant to Section 59-G-2.00 of the Zoning Ordinance to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on October 23, 2006, closed the record in the case on October 30, 2006, and on November 29, 2006, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 1, Block 69; located at 7700 Takoma Avenue, Takoma Park, Maryland, 20912, in the R-60 Zone.

Decision of the Board:	Special Exception Granted Subject to Conditions Enumerated Below.
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The Board of Appeals considered the Report and Recommendation at its Worksession on December 13, 2006. After careful consideration, and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. Petitioner is bound by her testimony and exhibits of record.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than five persons.
3. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.

4. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.
5. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein.

On a motion by Caryn L. Hines, seconded by Catherine G. Titus, with Wendell M. Holloway and Donna L. Barron in agreement, and Allison Ishihara Fultz, Chair necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 9th day of January, 2007.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section

59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.